

City of Colfax

City Council

Ordinance № 526

AN ORDINANCE OF THE CITY OF COLFAX AUTHORIZING COLLECTION OF DELINQUENT SEWER SERVICE CHARGES ON THE PLACER COUNTY SECURED AND UNSECURED TAX ROLL FOR FISCAL YEAR 2015-2016

The City Council of the City of Colfax does ordain as follows:

Section 1.

The Colfax City Council authorizes the collection of delinquent sewer services charges on the Placer County secured and unsecured tax roll as set forth in Exhibit A attached hereto and by this reference incorporated herein.

Section 2. Superseding Provisions

The provisions of this ordinance and any resolution adopted pursuant hereto shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith.

Section 3. Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Effective Date

This ordinance shall take effect thirty (30) days after its adoption.

Section 5. Publication

This ordinance shall, within 15 days after its adoption, be published or posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council members voting for and against it.


The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Colfax held on the 27th day of May, 2015, and passed and adopted at a regular meeting of the City Council held on the 10th day of June, 2015, at a duly held regular meeting of the City of Colfax, by the following vote:

AYES:	Delfino, Douglass, Harvey, Hesch, Parnham
NOES:	None
ABSENT:	None
ABSTAIN:	None



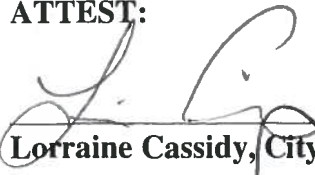
Kim A. Douglas, Mayor

APPROVED AS TO FORM:



Alfred Cabral, City Attorney

ATTEST:



Lorraine Cassidy, City Clerk

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Exhibit A

Recitals

This Ordinance has been enacted with regard to the following facts and circumstances:

A. Colfax Municipal Code Title 13, Chapter 13.08, Article VI authorizes the City of Colfax (the “City”) to collect delinquent sewer services charges which have accrued on the secured and unsecured tax roll in the same manner and at the same time as general property taxes; and

B. A written report attached as Exhibit B to this Ordinance (the “Report”) containing a description of each parcel of real property receiving sewer services and the amount of delinquent charges for each parcel has been prepared and filed with the City Clerk in accordance with Colfax Municipal Code §13.08.320; and

C. Notice of the filing of the Report and notice of the time and place of the hearing thereon by the City Council has been duly given and published as required by Colfax Municipal Code §13.08.330; and

D. At the May 27, 2015 hearing the City Council heard and considered all objections and protests to the Report and determined that protests were not made by the owners of a majority of the separate parcels of property described in the Report; and

E. At the conclusion of the hearing, after incorporating all revisions to the Report that the Council deemed necessary and after addressing or overruling all objections to the Report the Council found and determined that each charge as described in the Report is due, owing and unpaid; and

F. The County has required as a condition of the collection of said charges that the City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof.

Ordinance

1. The foregoing recitals are true and correct statements of fact and are hereby incorporated into this Ordinance.
2. The Report attached as Exhibit B hereto is adopted and said adoption is final. The City Clerk is hereby authorized to file with the Placer County Auditor-Controller a copy of this Ordinance and the Report.

3. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, listed on the Report attached as Exhibit B attached hereto.
4. The City warrants and represents that the taxes, assessments, fees and/or charges imposed by the City and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218).
5. The City releases and discharges the County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by the County on the property tax roll of any taxes, assessments, fees and/or charges on behalf of the City.
6. In consideration for the County's collection of the charge through the County's property tax roll, the City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by the County of any of the City's said taxes, assessments, fees and/or charges requested to be collected by the County for the City, or in any manner arising out of the City's establishment and imposition of said taxes, assessments, fees and/or charges. The City agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of the City's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by the County on behalf of the City, including property taxes.
7. The City agrees that its officers, agents and employees will cooperate with the County by responding to all inquiries referred to the City by the County from any person concerning the City's taxes, assessments, fees and/or charges, and that the City will not refer such persons to the County officers and employees for response.
8. The City agrees to pay the County for the reasonable and ordinary charges to recoup its costs of placement and collection on the tax rolls at the agreed upon rate of 1% of the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.